

**REMARKS**

**Objections to the Drawings**

The Examiner has objected to the drawings under 37 C.F.R. 1.83(a). Specifically, the Examiner has stated that the annual warning indicator comprising delivery as recited in claims 5 and 13 is not shown. A delivery annual warning indicator is shown in Fig. 3, reference number 158. Therefore, this feature does appear in the drawings.

With respect to the remaining objections, Applicant is submitting with this response formal drawings to overcome the informalities the drawings. Pursuant to MPEP § 1.125, Applicant is also submitting a substitute specification rather than including amendments to the specification in this response because the number of amendments would render it difficult to consider the application. A clean copy of the substitute specification is provided and a marked up copy of the specification is provided to indicate clearly the changes that were made. No new matter has been added to the specification. The substitute specification contains modifications necessary for conformance to the formal drawings. Applicant respectfully submits the new drawings and substitute specification overcome the drawing objections.

**Claim Rejections Under 35 U.S.C. § 101**

Claims 1-7 and 15-20 have been rejected under 35 U.S.C. § 101 because the claimed invention is believed to be directed to non-statutory subject matter. With respect to claims 1-7, the Examiner has stated that the process of assigning a value to warning indicators and assigning a stability level to suppliers is nothing more than gathering and substituting values in an equation dictated by the mathematical formula. The Examiner has further stated that the invention does not produce a concrete and tangible result.

Claims 1-7 have been cancelled and new claims 21-27 added to indicate clearly that supplier data from various sources is used to determine warning indicators and that the warning indicators relate to the ability of a supplier to continue providing supplies to a manufacturing company. Applicant respectfully submits that new claims 21-27 relate to more than gathering and substituting values in an equation and that determining the ability of a supplier to continue providing supplies to a manufacturing company according to a variety of factors is important to the ability of the company to continue manufacturing its products. If a supplier is determined to be unstable, corrective actions may be taken to ensure that the company continues to receive the supplies needed for manufacturing. Therefore, the invention produces a concrete and tangible result and claims 21-27 are directed to statutory subject matter.

With respect to claims 15-20, the Examiner has stated that the claims do not product a useful, concrete, and tangible result and that the claims are not directed to

subject matter that is transformed or reduced to a different state within the technological arts. Claims 15-20 have been amended to indicate that a computerized method determines an overall supplier stability level that relates to a supplier's ability to continue providing products to a manufacturing company. Data from various sources is entered in a computer and used to determine warning indicators. The warning indicators are evaluated at the computer and an overall supplier stability level is determined. Determining the ability of a supplier to continue providing supplies to a manufacturing company is important to the ability of the company to continue manufacturing its products. Amended claims 15-20 relate to subject matter that is transformed or reduced to a different state within the technological arts and they produce a useful, concrete, and tangible result and therefore, are statutory.

**Claim Rejections Under 35 U.S.C. § 102**

Claim 1 has been rejected under 35 U.S.C. § 102(a) as being anticipated by Powers (U.S. 6,901,426). Applicant has canceled claims 1-7 and added new claims 21-27 which indicate clearly that supplier data from various sources, including third-party services, is used to determine warning indicators and that the warning indicators relate to the ability of a supplier to continue providing supplies to a manufacturing company. In view of new claims 21-27, Applicant respectfully traverses the rejections.

Powers is directed to a performance evaluation system for measuring the performance of individuals within an organization. Quality and productivity data is used

to evaluate an individual's performance. (Col. 2, lines 59-62.) Quality scores are based on an organization member's observation of the individual and answers to questions for a performance area. (Col. 11, line 61 to Col. 12, line 6.) Productivity data is obtained from software tools that monitor an individual's actual performance of various tasks. (Col. 6, lines 45-53.) Although the data is from an "external" source (i.e., an external, electronic device), it is data that is collected as the individual is performing tasks for the organization and as the device monitors the performance.

Powers teaches the use of internal data for evaluating an individual within an organization. The individual that is evaluated is internal to the organization and furthermore, the data for each individual that is collected and analyzed is internal to the organization and is based on internal observations and monitoring of tasks. Data from outside sources such as customers of the organization or third-party services that collect and analyze data for many businesses is not considered. Therefore, the evaluation is not comprehensive. The evaluation also does not relate in any way to the ability of the individual to continue performing tasks. Powers teaches retrospective analysis of an individual. Powers does not teach and is in no way related to prospective analysis of a supplier of products to a manufacturing company.

In contrast to the teachings of Powers, the present invention is directed to evaluating the stability of a supplier that provides supplies to a manufacturing company. Because the supplier is not an entity that is internal to the company, a comprehensive evaluation requires analysis of data from outside sources. Therefore, in addition to

using data that the manufacturer collects based on purchases of the supplier's products, the present invention also uses data from the supplier that the manufacturer requests and data from third-party services that collect and analyze financial and other data for a number of companies. Data from these various sources is used to obtain a complete understanding of the supplier's business and prospectively, the ability of the supplier to deliver supplies that meet the company's requirements. Applicant respectfully submits that because Powers does not teach the elements of the claims as they relate to measuring the stability of a supplier that provides supplies to a manufacturing company, it cannot support the rejection of new claims 21-27 under § 102.

#### **Claim Rejections Under 35 U.S.C. § 103**

Claims 2-5 and 7-20 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Powers in view of Thierauf. The office action states that it would have been obvious to one of ordinary skill in the art to modify Powers to include modeling as a technique for analyzing multiple areas of an operation.

Claims 2-5 and 7 have been cancelled. Claims 8-20 have been amended and new claims 21-27 have been added to indicate clearly that the present invention is directed to evaluating the stability of a supplier that provides supplies to a manufacturing company by obtaining data from various sources and evaluating various warning indicators to determine an overall stability level for a supplier. In view of the amended and new claims, Applicant respectfully traverses the rejections. As argued

above, Powers is directed to retrospectively measuring the performance of an individual using internal data. Powers therefore, does not teach or relate in any way to measuring the stability of a supplier that provides supplies to a manufacturing company.

Furthermore, Powers does not teach or even suggest evaluating an entity that is external to a company using internal as well as external data from outside sources such as the entity being evaluated and/or a third-party service that collects and analyzes data related to many businesses. Powers therefore, does not provide the teachings asserted in the office action and cannot support the rejection of the claims under 35 U.S.C. § 103.

The Examiner relies on Thierauf for teaching modeling as a technique to analyze any aspect of an operation. Applicant respectfully submits that the present invention is not related in any way to modeling techniques and therefore, the Thierauf reference is not relevant to the teachings of the present invention. Furthermore, Thierauf does not teach or even suggest evaluating an entity that is external to a company using internal as well as data from outside sources such as the entity being evaluated and/or a third-party service that collects and analyzes data related to many businesses. The Thierauf reference does not overcome the deficiencies of the Powers reference and therefore, cannot be combined with the Powers reference to support the rejection of the claims under 35 U.S.C. § 103.

**Conclusion**

Applicant has cancelled claims 1-7, added new claims 21-27, and amended claims 8-20 to indicate clearly that in the present invention supplier data from various sources, including data from the supplier provided at the manufacturing company's request and third-party services, is used to determine warning indicators and that the warning indicators relate to the ability of a supplier to continue providing supplies to a manufacturing company. The references cited against the claims do not relate to evaluating the ability of a supplier to continue providing supplies to a manufacturing company. In view of the foregoing amendment and accompanying remarks, the Applicant respectfully submits that the present application is properly in condition for allowance.

Respectfully submitted,

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